

ICO Refs: ENF0424170 & ENF0433161

## DATA PROTECTION ACT 1998

### UNDERTAKING

Data Controller: Brecon Beacons National Park Authority  
Plas y Ffynnon, Cambrian way, Brecon,  
Powys, LD3 7HP

I, John Cook, Chief Executive, of Brecon Beacons National Park Authority, for and on behalf of Brecon Beacons National Park Authority hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Brecon Beacons National Park Authority is the data controller as defined in section 1(1) of the Data Protection Act 1998 (the "Act"), in respect of the processing of personal data carried out by Brecon Beacons National Park Authority and is referred to in this Undertaking as the "data controller". Section 4(4) of the Act provides that, subject to section 27(1) of the Act, it is the duty of a data controller to comply with the data protection principles in relation to all personal data in respect of which it is a data controller.
2. The Information Commissioner (the "Commissioner") was informed by the data controller in November 2011 and again in January 2012 about two data security incidents.
3. Both incidents, which were voluntarily reported to the Commissioner, related to the unauthorised disclosure of personal data on the data controller's website.

The first incident concerned the disclosure of personal data held in local development plan consultation comment forms. The personal data was of relatively low sensitivity being email addresses, phone numbers and signatures. An unspecified number of these details related to organisations as well as to private individuals. Its disclosure was brought to the

attention of the data controller by a member of the public .

The second incident, was again brought to the data controller's attention by a member of the public. Copies of planning application documents which included personal email addresses, phone numbers and signatures of members of the public were published on the Authority's web based document management system. Some of the documentation containing personal data had been available since the introduction of the web system in 2008.

Although the disclosed documents constituted part of the public record of the planning file, the PARSOL (Planning and Regulatory Services Online) guidance for online publication was not followed. Under the PARSOL rules, it is the responsibility of the local authority to ensure that any information published is not in direct contravention of the relevant legislation regarding information disclosure. This includes the Data Protection Act 1998. Extreme care should be taken to avoid any unnecessary disclosure of telephone numbers, email addresses and signatures in planning documentation published online.

The Commissioner has considered the data controller's compliance with the provisions of the Act in the light of this matter. The relevant provision of the Act is the Seventh Data Protection Principle. This Principle is set out in Schedule 1 Part I to the Act.

4. Following consideration of the remedial action that has been taken by the data controller, it is agreed that in consideration of the Commissioner not exercising his powers to serve an Enforcement Notice under section 40 of the Act, the data controller undertakes as follows:

The data controller shall, as from the date of this Undertaking and for so long as similar standards are required by the Act or other successor legislation, ensure that personal data are processed in accordance with the Seventh Data Protection Principle in Part I of Schedule 1 to the Act, and in particular that:

1. Adequate security measures are put in place to prevent unauthorised access to personal data from the data controller's website. This includes the redaction of personal

data when planning documentation is prepared for publication;

2. Staff are aware of the data controller's policy for the retention, storage and use of personal data and are appropriately trained how to follow that policy;
3. The data controller shall implement such other security measures as it deems appropriate to ensure that personal data is protected against unauthorised and unlawful processing, accidental loss, destruction, and/or damage.

Dated..... 4 April 2012 .....

Signed..... J. Cook .....

John Cook  
Chief Executive  
Brecon F..... ority

Signature.....

Stephen Eckersley  
Head of Enforcement  
For and on behalf of the Information Commissioner

17.4.12